

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Petition of USA Digital Radio Partners, L.P.
For Rulemaking To Permit The Introduction
Of Digital Audio Broadcasting In The
AM And FM Bands

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FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY

Comments in Support of Petition For Rulemaking

I. Introduction

Radio One, Inc. ("Radio One"), founded in 1980, is the largest minority-owned broadcasting company in the United States primarily targeting African-American listeners and consumers. Radio One, through its licensee subsidiaries, owns and operates 12 AM and FM stations, which are located in Washington, D.C., Baltimore, Maryland, Philadelphia, Pennsylvania and Detroit, Michigan.¹ Radio One has established expertise in programming and marketing the Urban format, and it is actively involved in the African-American community. In 1997 Radio One's FM radio stations were ranked first or second in combined audience and revenue share among radio stations targeting African-Americans in all of its existing markets. Radio One seeks to expand within its existing markets and into new markets that have a significant African-American presence.

Radio One requests that the Commission promptly grant the petition for

¹ Those stations are WMMJ-FM, WKYS-FM, WOL-AM and WYCB-AM in Washington; WERQ-FM, WWIN-FM and AM, and WOLB-AM in Baltimore; WPHI-FM in Philadelphia; and WDTJ-FM, WCHB-AM in Detroit, and WJZZ-AM in Kingsley.

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rulemaking ("Petition") of USA Digital Radio Partners, L.P. ("USADR")² and adopt a Notice of Proposed Rulemaking containing the rule changes proposed in the Petition to implement Digital Audio Broadcasting ("DAB"). The introduction of DAB will serve the public interest, and the In-Band, On-Channel ("IBOC") system is the best technology to implement DAB.

II. The Introduction of DAB Will Serve the Public Interest

DAB will serve the public interest by allowing Radio One and other broadcasters to provide higher quality service to their audiences. DAB will offer improved audio fidelity and a more robust signal. Signal fidelity is particularly important to lower-powered AM stations such as Radio One's, which must compete with higher powered stations; DAB will allow Radio One's AM stations to provide sound quality equivalent to the current FM standard and equal to more powerful AM stations in its markets. DAB's enhanced signal robustness will foster a higher quality signal in Radio One's urban markets by providing greater immunity to multipath and noise, better resistance to large buildings and other obstructions and improved reception at the edge of signal coverage.

DAB is also critical to the long-term viability of AM and FM broadcasting and the public service functions they serve. Unique in the coming digital world are the local ties that traditional broadcasters have to the communities they serve. As Chairman Kennard has recognized, the number of minority-owned stations has declined in the surge in merger activity following the passage of the Telecommunications Act of 1996.³

² Radio One is an investor in USDAR.

³ See, e.g., Chairman William E. Kennard, "Thinking Ahead", address at the NAACP 1998 Annual Convention Telecommunications Forum (July 13, 1998) <<http://www.fcc.gov/Speeches/Kennard/spwek821.txt>>; Chairman William E. Kennard, address to the American Women In Radio And Television, Washington, D.C. (Sept. 11, 1998) <<http://www.fcc.gov/Speeches/Kennard/spwek826.txt>>

Despite this trend, Radio One has continued to serve its primarily African-American audience with news, information and other programming of particular interest to that community while expanding the number of stations it owns.

The Commission has long defined the public interest largely by service to the local community. The Commission must now reaffirm that commitment by giving AM and FM broadcasters the technology they will need to survive and prosper in the future. The Commission can take a significant step in this direction by authorizing the service proposed in the Petition.

III. An AM and FM IBOC DAB Solution Is Necessary

The Commission should establish that the IBOC DAB system will simultaneously upgrade AM and FM radio. AM licenses are generally a more affordable, viable market entry for minority-owned broadcasters, and so a mandatory AM IBOC DAB system will promote minority ownership by fostering the future market competitiveness of AM radio and preserving the value of existing AM licenses. For consumers, a simultaneous solution will promote the transition to digital by eliminating the possibility of incompatible AM and FM systems and by avoiding a situation in which consumers must upgrade their first digital receiver purchase when a second digital radio band becomes available.

IV. Radio One Supports the USADR IBOC DAB Proposal

The Commission should adopt the IBOC DAB system proposed by USADR. IBOC provides for an orderly, seamless transition to digital broadcasting that minimizes consumer disruption and regulatory burdens. By allowing the simultaneous transmission

of analog and digital programming within a station's existing frequency allocation over an appropriate transition period, IBOC will allow consumers and broadcasters to update their equipment on a normal replacement cycle and at a minimal upgrade cost. Early adopters may choose to pay a slight premium for the increased quality of digital, while most consumers will enjoy the normal reductions in cost following product introductions. Stations will not have to change their dial position or seek new frequency allocations or licenses and no new broadcast infrastructure with its attendant cost and regulatory burdens will be necessary.

A key part of implementing DAB will be the Commission's adoption of the proposed USADR 12 year transition plan. The transition plan would allow the immediate upgrade to hybrid mode broadcasts with protection for analog radio provided by a new hybrid emission mask. Further protection for analog broadcasts during the transition period would be provided by limited power levels in the hybrid mode. The 12 year period will allow for an orderly transition to all digital broadcasting, and will protect analog service while encouraging the transition to digital by broadcasters and consumers.

The Commission should also adopt a transmission standard for DAB to ensure the compatibility of all digital broadcast radio technology and the universal reception of digital broadcasts. A transmission standard is necessary to prevent the uncertainty and potential chaos in the marketplace that will hinder or prevent the transition to a universal digital radio standard. Radio One, like most broadcasters, will need marketplace certainty before deciding to implement DAB. The best way to avoid the type of chicken-and-egg scenario that doomed AM stereo is for the Commission to adopt a uniform

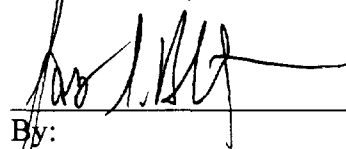
standard for DAB. There is no private organization that can effectively choose among the competing DAB proposals.

Promoting the development of DAB is not only a marketplace issue, but it is also central to one of the public service functions of radio: the provision of timely and critical local emergency news and EAS broadcasts. That function is easily forgotten until it is necessary, but any recent emergency situation is a reminder of its importance that should not be lost in the glamor and glitz of the existing and forthcoming digital transmission systems. Only DAB will provide the universal, portable local reception necessary to provide a public service whose continued viability is essential and long-recognized by the Commission.

V. Conclusion

For the reasons discussed herein, the Commission should expeditiously adopt a Notice of Proposed Rulemaking on DAB.

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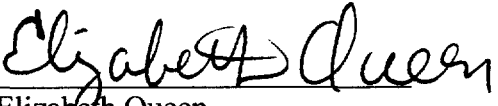
Its Counsel

Dated: December 23, 1998

CERTIFICATE OF SERVICE

I, Elizabeth Queen, an employee in the law offices of Davis Wright Tremaine LLP, do hereby certify that a copy of the foregoing Comments in Support of the Petition of USA Digital Radio Partners, L.P. For Rulemaking was served by mailing a copy by United States mail, first-class postage paid, to:

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